

JUL 28 2003

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER PENDING APPLICATIONS**

Packet Number 7223

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In re Application of: William E. Julien

Application No. 10/021,405

Filed: December 12, 2001

For: Feed Additive and Method for Controlling Large Fermentation in the Horse and Similar Animals

The owner\*, William E. Julien, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, for United States Patent No. 5,709,894, filed on Jan. 1998, United States Patent No. 5,783,238, filed on July 1998, United States Patent No. 5,863,574, filed on Jan. 1999, United States Patent No. 6,312,710, filed on November 2001, and United States Patent No. 6,514,521, filed on February 2003. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer, filed prior to the patent grant in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

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55.00 OP

Signature

Date

Paul M. Denk

Typed or printed name

x Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is  
**FEED ADDITIVE AND METHOD FOR CONTROLLING LARGE BOWEL  
FERMENTATION IN THE HORSE AND SIMILAR ANIMALS**

the specification of which

(check one)   x   is attached hereto.

  x   was filed on 12-13-00 as  
Application Serial No. 60/254,797,

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1,56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: N/A.

Prior Foreign Application(s): Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below: N/A

60/254,797  
Application Number

December 13, 2000  
Filing Date

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application: N/A

<u>                    </u> (Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status)
<u>                    </u> Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status)
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<u>                    </u> (Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status)
<u>                    </u> Serial No.)	<u>                    </u> (Filing Date)	<u>                    </u> (Status)

I do hereby appoint Paul M. Denk, Patent Office registration No. 22,598, with offices at 763 South New Ballas Road, St. Louis, Missouri 63141, Tel. No. (314) 872-8136, as my attorney and agent with full power of substitution and revocation, to prosecute the application above set forth, and to transact all business in the United States Patent and Trademark Office in connection therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor:

William E. Julien

Inventor's signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

Residence:

Omaha

State of Nebraska

Citizenship:

U.S.A.


Post Office Address:

11515 North 84<sup>th</sup> Street

Omaha, Nebraska 68122

U.S.A.

1001497 55th 2001

<b>Application Number</b> 	<b>Application No.</b> 10/021,405	<b>Applicant(s)</b> JULIEN, WILLIAM E.	

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
<b>Document Code - DISQ</b>	<div data-bbox="617 336 909 441" data-label="Text"> <i>DLX 10-3-03</i> </div> <p><b>This patent is subject to a Terminal Disclaimer</b></p>	
<b>INTERNAL DOCUMENT - DO NOT MAIL</b>		

U.S. Patent and Trademark Office